

## REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated June 11, 2009. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

### Status of the Claims

As outlined above, claims 1-4 and 8-11 are pending in this application. Following entry of the above amendments, claims 1-4 and 8-11 will stand for consideration, wherein claims 5-7 and 12-26 have previously been canceled, and claim 1 has been amended.

### Formal Rejections: 35 U.S.C. § 102(b)

#### Claims 1-4 and 8-11

Claims 1-4 and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Aigner, et al. (PCT Application No. WO 01/46664 A2) (hereinafter "Aigner").

As amended, independent claim 1 recites a device having: 1) a first wafer having a first area and a second area opposed to each other with a first scribe area in-between, wherein a first mechanical element and a first pad are formed in said first area and a second mechanical element and a second pad are formed in said second area; and 2) a second wafer which seals said first mechanical element and said second mechanical element with a prescribed space over each of said first mechanical element and said second mechanical element formed in said first wafer. The second wafer is provided with a through-hole having a first side and a second side opposed to said first side, for exposing said first pad and said second pad. The through-hole is so positioned that said first pad is placed between said first side and said first scribe area and said second pad is placed between said second side and said first scribe area. The first pad and the second pad are overlapped with said through-hole when viewed in a plan view.

Advantageously, with the second wafer provided with a through-hole (i.e., a through-hole bored in advance), the pads can be opened without having to cut through the second wafer, and cutting wastes generated by the cutting of the second wafer can be prevented from sticking to the pads. Also, as the through-hole in the second wafer is shared through bonding pads disposed in

the two adjacent areas of the first wafer, the scribe area of the first wafer can be seen from above (i.e., in a plan view) through the through-hole of the second wafer. As a result, it is made possible to perform dicing while looking at the scribe areas formed in the first wafer and thereby to enhance the yield. (See: Specification, page 10, line 28 through page 11, line 14).

In the Response to Arguments section of the Office Action, it is stated that, "Aigner illustrates in Figs 8A through 10B cut 19 partially saws through the structure to make a "through-hole" in the second wafer 2. (Also see abstract) It is clear that once the material is remove from cut 19 there will be a "through-hole" in wafer 2."

Thus, the covering body 2 of Aigner is not provided with a through-hole for exposing the first pad and the second pad because, as admitted, Figs 8A through 10B of Aigner show that a through-hole is made after the covering body 2 is applied to the base body 1 as "cut 19 partially saws through the structure to remove material to make the through-hole." Aigner merely discloses the prior art, the problems of which the instant invention overcomes. Accordingly, it is respectfully submitted that Aigner does not teach or even suggest the invention as recited in amended independent claim 1.

With respect to dependent claims 2-4 and 8-11, the arguments set forth above with respect to amended independent claim 1 are equally applicable. Accordingly, reconsideration and withdrawal of the rejection thereof are respectfully requested.

### Conclusion

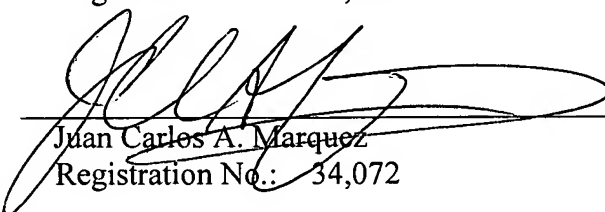
In light of the Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

---

Jeffrey A. Haeberlin  
Registration No.: 40,630



---

Juan Carlos A. Marquez  
Registration No.: 34,072

**STITES & HARBISON, PLLC**  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314  
Telephone: (703) 739-4900  
Facsimile: (703) 739-9577  
Customer No. 38327

**September 14, 2009**